

Reissue Application No:	
Patent No.:	5,765,398
Filed:	Nov. 4, 1996
Granted:	Jun. 16, 1998
Patentee:	Vahran Bardisbanyan
Assignee:	Marquesa, Inc.
Title:	<i>Method and Apparatus for Assembling Stones in Jewelry</i>
Attorney Docket No.:	560.027

Commissioner for Patents and Trademarks
Washington, D.C. 20231

REISSUE APPLICATION DECLARATION BY THE INVENTOR

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is described and claimed in U.S. Patent Number 5,765,398, granted June 16, 1998, and for which a reissue patent is sought on the invention entitled Method and Apparatus for Assembling Stones in Jewelry, the specification of which

is attached hereto

was filed on _____ as reissue application number _____ / _____
and was amended on _____

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below.

- by reason of a defective specification or drawing.
- by reason of the patentee claiming more or less than he had the right to claim in the patent.
- by reason of other errors

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At least one error upon which reissue is based is described as follows:

Specifically, Claims 28-33 are now added and represent changes from the original claims 1- 27. The new claims 28-32 do not have the limitations that the surface of the jewelry item has a longer and a shorter dimension and that the gemstone has two opposite ends in the general direction of the longer dimension. Therefore, the new claims 28-32 eliminate the limitation of the gemstone being set in the direction of the longer dimension. The prior art does not require that limitation. Claim 33 eliminates the limitation of sleeve located below the jewelry item's surface for cold soldering the pin of the connecting member to this surface. Therefore, the new Claim 33 requires that the pin of the connecting member is cold soldered directly to the jewelry item. The basis for the presently submitted new claim 33 may be found in column 2, lines 49-53 of the original patent, wherein it is stated that the pin of the connecting member may be cold soldered directly to the jewelry item thereby eliminating the need for a sleeve. I desire to indicate herein that soon after the patent issued I first recognized that the original claims included the unnecessary limitation.

During the time of the patent's prosecution, I had been actively involved in seeking to commercialize the subject matter of the patent. In or about September-October of 1999, i.e., after the patent's issuance and while carefully reviewing the issued patent deed to determine scope of protection vis a vis possible infringers and potential licensees, I contacted my patent attorneys after reading the claim language. This was a result of trying to determine precisely the scope of the invention that I was granted by the U.S. Patent Office. I then first recognized the claims included the limitations that the surface of the jewelry item has a longer and a shorter dimension and that the gemstone has two opposite ends in the general direction of the longer dimension. I then inquired of my patent attorneys as to why this limitation was included. We discussed the relevant prior art and we jointly recognized that the limitations were unnecessarily restrictive and not required by the prior art. We discussed various options and it was then concluded, mutually, that a reissue application should be filed seeking to eliminate that limitation since it was not required by the prior art and since my inventive contribution was broader than embodied in the issued claims. A reissue application was then filed at the U.S. Patent and Trademark Office(Serial No. 09/531,299). Soon thereafter, I have reviewed the new claims submitted in the first reissue application and discovered that there was another unnecessarily restrictive limitation, namely the limitation of connecting member comprising a sleeve which is cold soldered to the surface of the jewelry item, which was not required by the prior art. A preliminary amendment to the first reissue

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application was then promptly filed by my patent counsel. However, the above preliminary amendment was sent after the notice of allowance for the first reissue application was mailed by the Examiner. Consequently, I am filing this present Reissue Application as a continuation of the Reissue Application Serial No. 09/531,299 and include all of the desired claims into the present reissue application.

I believe that my invention is more broadly defined in Claims 28-33.

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

I hereby claim the benefit under U.S.C. §120 of any United States application(s), or §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37 C.F.R. §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

09/531,299
(Application Serial No.)

March 20, 2000
(Filing Date)

Pending
(Status)

As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected herewith.

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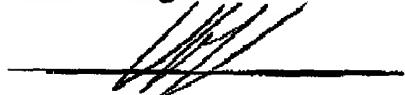
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I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application, any patent issued thereon, or any patent to which this declaration is directed.

Full name of sole or first inventor:

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Inventor's Signature:



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